

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 7, 2018**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of February 7, 2018, was called to order by Mayor Nakanishi at 6:45 p.m.

Present: Council Member Chandler, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Absent: Council Member Johnson

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code Section 54956.9; Four Applications; Larry Fluty v. City of Lodi; Workers Compensation; WCAB Case Nos. ADJ7768402 (DOI: 01/13/2010); ADJ10035692 (DOI: 04/01/2015); ADJ10035689 (DOI: 04/15/2014); and ADJ10713317 (DOI: 12/12/2016) (CA)

C-3 Adjourn to Closed Session

At 6:45 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:51 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Nakanishi reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

With regard to the earlier Special Meeting, Ms. Magdich repeated the disclosure of Item B-1, which was announced by City Manager Schwabauer, that there was discussion and direction given with no reportable action.

Item C-2a) was discussion only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of February 7, 2018, was called to order by Mayor Nakanishi at 7:00 p.m.

Present: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

B. Presentations – None

C. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Chandler made a motion, second by Mayor Pro Tempore Mounce, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$10,309,649.79 (FIN)

Claims were approved in the amount of \$10,309,649.79.

C-2 Approve Minutes (CLK)

The minutes of December 20, 2017 (Regular Meeting), December 26, 2017 (Shirtsleeve Session), January 2, 2018 (Shirtsleeve Session), January 3, 2018 (Regular Meeting), January 9, 2018 (Shirtsleeve Session), and January 16, 2018 (Shirtsleeve Session) were approved as written.

C-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Wastewater Main Rehabilitation Program (Project No. 7) (PW)

Approved plans and specifications and authorized advertisement for bids for Wastewater Main Rehabilitation Program (Project No. 7).

C-4 Adopt Resolution Authorizing City Manager to Waive Bid Process and Purchase One Vac-Con Combination Sewer and Storm Drain Cleaner Mounted on Freightliner Truck Chassis from Municipal Maintenance Equipment, Inc., of Sacramento, Utilizing Competitively-Bid National Joint Powers Alliance Contract No. 022014-AMI (\$448,934) (PW)

Adopted Resolution No. 2018-07 authorizing the City Manager to waive bid process and purchase one Vac-Con combination sewer and storm drain cleaner mounted on Freightliner truck chassis from Municipal Maintenance Equipment, Inc., of Sacramento, utilizing competitively-bid National Joint Powers Alliance Contract No. 022014-AMI, in the amount of \$448,934.

C-5 Adopt Resolution Awarding Bids for Purchase of Medium Voltage Cable from Pacific Utilities, of Concord (\$50,889.25), and The Okonite Company, of San Ramon (\$176,106.60) (EU)

Adopted Resolution No. 2018-08 awarding bids for purchase of medium voltage cable from Pacific Utilities, of Concord, in the amount of \$50,889.25, and The Okonite Company, of San Ramon, in the amount of \$176,106.60.

C-6 Adopt Resolution Awarding Bids for Purchase of 65 Pad-Mount Transformers from ERMCO, of Dyersburg, Tennessee (\$170,363.53), and Howard Industries, of Laurel, Mississippi (\$11,170.44) (EU)

Adopted Resolution No. 2018-09 awarding bids for purchase of 65 pad-mount transformers from ERMCO, of Dyersburg, Tennessee, in the amount of \$170,363.53, and Howard Industries, of Laurel, Mississippi, in the amount of \$11,170.44.

C-7 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Contract with Univar USA, Inc., of Kent, Washington, for Surface Water Treatment Facility and Well Improvement Chemical Supply (\$18,500) (PW)

Adopted Resolution No. 2018-10 authorizing the City Manager to execute Amendment No. 1 to contract with Univar USA, Inc., of Kent, Washington, for Surface Water Treatment Facility and Well Improvement Chemical Supply, in the amount of \$18,500.

- C-8 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with The Reed Group, Inc., of Sacramento, for Water and Wastewater Financial Plan and Rate Update and Study (\$69,950) (PW)

Adopted Resolution No. 2018-11 authorizing the City Manager to execute a Professional Services Agreement with The Reed Group, Inc., of Sacramento, for Water and Wastewater Financial Plan and Rate Update and Study, in the amount of \$69,950.

- C-9 Adopt Resolution Authorizing City Manager to Execute Amendment No. 2 to Professional Services Agreement with ICR Refrigeration, Inc., of Lodi, for City Facilities Heating, Ventilation, and Air Conditioning Maintenance Services (\$25,000) (PW)

Adopted Resolution No. 2018-12 authorizing the City Manager to execute Amendment No. 2 to Professional Services Agreement with ICR Refrigeration, Inc., of Lodi, for City facilities heating, ventilation, and air conditioning maintenance services, in the amount of \$25,000.

- C-10 Adopt Resolution Authorizing City Manager to Execute Agreement for Professional Services with Civic Plus, of Manhattan, Kansas, for Design and Hosting of City's Web Services (\$97,317) (CM)

This item was pulled from the Consent Calendar at the request of Mayor Pro Tempore Mounce.

Mayor Pro Tempore Mounce expressed concern that the redesign of the City's website is not being awarded to a local company. Deputy City Manager Keys explained the process, which included a review team of 15 staff members representing all departments, solicitation of bids, extensive review process, interviews, and simplicity of the recommended vendor's program versus that of the local vendor's. He added that CivicPlus has a user-friendly, drag-and-drop method that needs very little staff training and the company offers a web design refresh, as well as routine monitoring to check for broken links and outdated pages.

Council Member Chandler made a motion, second by Council Member Kuehne, to adopt Resolution No. 2018-17 authorizing the City Manager to execute an agreement for professional services with Civic Plus, of Manhattan, Kansas, for design and hosting of City's web services in the amount of \$97,317.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Nakanishi

Noes: Mayor Pro Tempore Mounce

Absent: None

- C-11 Adopt Resolution Authorizing City Manager to Execute Supplemental Agreement with Union Pacific Railroad for Harney Lane Grade Separation Project (\$142,200) (PW)

Adopted Resolution No. 2018-13 authorizing the City Manager to execute Supplemental Agreement with Union Pacific Railroad for Harney Lane Grade Separation Project, in the amount of \$142,200.

- C-12 Adopt Resolution Authorizing City Manager to Sign Cooperative Agreement between City of Lodi Fire Department and San Joaquin County for Participation in Emergency Management Organizations and Incident Command Systems (FD)

Adopted Resolution No. 2018-14 authorizing the City Manager to sign Cooperative Agreement between City of Lodi Fire Department and San Joaquin County for participation in Emergency Management Organizations and Incident Command Systems.

- C-13 Adopt Resolution Authorizing Local Cost Share Allocation Payment for Development of Eastern San Joaquin Groundwater Authority Groundwater Sustainability Plan (\$11,664) (PW)

Adopted Resolution No. 2018-15 authorizing local cost share allocation payment for development of Eastern San Joaquin Groundwater Authority Groundwater Sustainability Plan, in the amount of \$11,664.

- C-14 Receive Annual Report Regarding Boards, Committees, and Commissions (CLK)

Received annual report regarding Boards, Committees, and Commissions.

- C-15 Confirm Annual Appointment of City Council Members on Various Boards, Committees, and Commissions (CLK)

Confirmed annual appointment of City Council Members on various Boards, Committees, and Commissions.

- C-16 Adopt Resolution Revising Order of Business for City Council Meetings (CLK)

Adopted Resolution No. 2018-16 revising order of business for City Council meetings.

- C-17 Receive Report Regarding Communication Pertaining to Senate Bill 827 (Wiener): Planning and Zoning (CLK)

Received report regarding communication pertaining to Senate Bill 827 (Wiener): Planning and Zoning.

- C-18 Set Public Hearing for February 13, 2018, to Receive Further Public Input on Draft Maps of Voting District Boundaries and Election Sequencing as Part of Transition to By-District Elections for City Council Members (CA)

Set public hearing for February 13, 2018, to receive further public input on draft maps of voting district boundaries and election sequencing as part of transition to by-district elections for City Council Members.

A member of the public requested to make comments regarding this item, which was approved as a part of the Consent Calendar.

Spencer Dayton expressed concern about holding a public hearing at 7 a.m. because many people cannot attend at that time.

City Attorney Magdich pointed out that the City is up against a short, tight timeframe to accomplish the goal of moving to by-district elections within the 90-day safe harbor period. The Tuesday morning hearing is an extra one in the process, and the purpose is to present additional maps that have been submitted.

- C-19 Set Public Hearing for February 21, 2018, to Receive Public Comment on Final Map of Voting District Boundaries and Election Sequencing as Part of Transition to By-District Elections for City Council Members (CA)

Set public hearing for February 21, 2018, to receive public comment on final map of voting district boundaries and election sequencing as part of transition to by-district elections for City Council Members.

- D. Comments by the Public on Non-Agenda Items
THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.
Public comment may only be made on matters within the Lodi City Council's jurisdiction

(Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

Steve Dutra, representing Tree Lodi, spoke regarding a Cal-Fire grant for tree planting, in which 30 people were trained at a workshop to go door-to-door educating residents about the program to plant 165 new City trees in Lodi's Heritage District. Participants accept a City tree on City property and agree to water the tree via a signed water agreement. Further, Mr. Dutra invited Council and the public to attend this year's Arbor Day event on Saturday, April 7, 2018, at Hale Park at 9 a.m. and provided details regarding the day's events and the many partnerships.

George Neely, President of the Lodi Unified School District (LUSD) Board of Education, shared that his major goal this year is to improve communication with parents and the community, stating he plans to once again make LUSD an education destination where realtors promote homes near Lodi schools, where teachers want to work, and where parents want to move for the schools. He suggested the City and School District renew its 2x2 meetings and that the two elected officials from each board meet first to discuss leadership possibilities before inviting staff to join the conversation. Recent changes at LUSD include enhanced student access to computers; increases in engineering, arts, and math classes; beating the State achievement in the past year; uses for Measure U dollars; recent NorCal science event; and upcoming science bowl.

Joaquin Hernandez, through the aid of an interpreter, questioned if the City is taking photographs of license plates and whether that information remains solely with the Department or is shared with other agencies. He stated a volunteer Police Department representative was taking photographs of parked cars on Elm Street, between Main and Stockton Streets, and residents are concerned. He requested the information not be shared with other agencies.

E. Comments by the City Council Members on Non-Agenda Items

Council Member Johnson concurred with Mr. Neely's suggestion regarding the 2x2 meetings and further requested the School District do what it can to encourage more programs to come to Lodi for training people in various trades. With regard to the purple building on Kettleman Lane that has generated many complaints, Council Member Johnson stated the City Planner has spoken to the property owner who has assured staff that the building will be repainted in the near future. Lastly, he commented on the Police Department fundraiser for a new gun range and training facility for the Police Department, stating no such project has come before Council to date, and he was concerned that it may be premature to hold a fundraiser prior to project approval.

Council Member Kuehne stated he learned the California Independent System Operator has decided not to take the 230 kV transmission project off the slate, although, it did suggest some adjustments to the plan. He further reported the City was recently awarded \$150,000 in Measure K funding for a bicycle and pedestrian project in Lodi and will be up for another round of funding at an upcoming meeting.

Mayor Pro Tempore Mounce congratulated Jeffrey Kirst for a successful cioppino feed that raised money for Hutchins Street Square. With regard to the purple building, Mayor Pro Tempore Mounce requested staff look into its policies to ensure that buildings receive City approval, potentially through the Site Plan and Architectural Review Committee, to ensure this situation does not occur again in the future. Lastly, she stated she received complaints from neighbors near the LOEL Center asking for traffic calming measures for the crosswalk on Oak and Washington Streets.

Council Member Chandler reported on the Chamber event last week, at which John Ledbetter was recognized as Outstanding Citizen of the Year, adding he was honored to introduce him and express Council's gratitude for his leadership in the wine industry and his contributions to the Hutchins Street Square Foundation Board, Lodi Community Foundation, the Homelessness Committee, and the Hospice Foundation.

F. Comments by the City Manager on Non-Agenda Items

In response to the cioppino event, City Manager Schwabauer issued a challenge to anyone willing to make a dessert for charity to compete against his gluten-free cake to see whether anyone can tell the difference.

G. Public Hearings

G-1 Public Hearing to Consider Adopting Resolution Approving Planning Commission's Recommendation to Authorize 107 Low-Density Residential, 98 Medium-Density Residential, and 329 High-Density Residential Growth Management Allocations for Gateway North Subdivision (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the public hearing to consider adopting a resolution approving the Planning Commission's recommendation to authorize 107 Low-Density Residential, 98 Medium-Density Residential, and 329 High-Density Residential Growth Management Allocations for Gateway North Subdivision.

City Planner Craig Hoffman provided a presentation regarding Residential Growth Management Allocations for Gateway North Subdivision. Specific topics of discussion included Planning Commission public hearing; 4-0 vote to recommend Council approve 107 Low-Density, 98 Medium-Density, and 329 High-Density Growth Management Allocations for Gateway North Subdivision; enhanced trail along Westgate Drive from Harney Lane to Lodi Avenue; Council's reduction of Growth Management Allocations in 2017; Gateway North being the only project to move forward in 2017 with requested allocations lower than yearly allocations; positive addition for the Housing Element and General Plan by reducing impediments for higher-density projects; last project through the Growth Management Allocation process; and future Council discussion to review allocations again.

Mayor Pro Tempore Mounce expressed opposition to this project, even though it is consistent with the City's General Plan, based on the fact that the project moves down Highway 12. She requested staff bring back a recommendation to sunset some of the Growth Management Allocations because citizens do not understand that allocations are compounded and, despite the 2 percent growth restriction, it is possible the community could grow 10 percent in a single year. Additionally, she stated she felt the City was not adding police, fire, water, schools, etc., to keep up with the new growth.

Mayor Nakanishi opened the public hearing for public comment.

Doug Cheney stated the City needs to start addressing the east side of the community, particularly the poor sidewalks, inadequate street lighting, and unfinished handicap curbs. He further expressed support for new faces on the City Council, as well as an elected mayor.

George Neely with the Lodi Unified School District Board of Education stated the School District is at 95 percent capacity and suggested the City work with the District's Chief Executive Officer about redistricting and shifting to handle new growth.

There being no further public comments, Mayor Nakanishi closed the public hearing.

Council Member Kuehne made a motion, second by Council Member Chandler, to adopt Resolution No. 2018-18 approving the Planning Commission's recommendation to authorize 107 Low-Density Residential, 98 Medium-Density Residential, and 329 High-Density Residential Growth Management Allocations for Gateway North Subdivision.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and

Mayor Nakanishi
Noes: Mayor Pro Tempore Mounce
Absent: None

G-2 Public Hearing to Take Input Regarding Draft Voting District Maps and Potential Sequence of District Elections as Part of Transition to By-District Elections for City Council Members (CA)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the public hearing to take input regarding draft voting district maps and potential sequence of district elections as part of transition to by-district elections for City Council Members.

City Attorney Janice Magdich provided a presentation regarding draft voting district maps and potential sequence of district elections as part of the transition to by-district elections. Specific topics of discussion included meetings and steps leading up to this hearing; consideration of 12 maps at the January 31, 2018 public hearing; Council determination to move four maps forward as Focus Maps -- Maps 105, 108, 117, and 118; receipt of Map 119 for consideration at this hearing; public workshop on February 6, 2018 at the Library to assist with map drawing; eight additional maps received, which will be reviewed by the demographers and published on-line seven days in advance of the next meeting for formal consideration; review of all revised Focus Maps at the February 13, 2018 public hearing; and inability to consider the MALDEF map (Blue Sheet item on file) until February 21, 2018 because it has not been published for seven days.

Using the National Demographic Corporation website, www.drawlodi.org, Ms. Magdich reviewed Map 119 and provided information regarding percentage of deviation from ideal, Latino voting age population percentages, the number of Council Members in each district, district representation in the downtown area and east side Heritage district, and map submitters' comments, followed by Council discussion and questions.

Mayor Pro Tempore Mounce expressed preference for moving Maps 105 and 118 forward in the process, adding she was opposed to someone outside of Lodi determining the communities of interest.

Council Member Kuehne expressed preference for moving Maps 105, 108, and 119 forward, all with some minor adjustments.

Mayor Nakanishi opened the public hearing for public comment.

Spencer Dayton stated he believes two of the maps presented were done to preserve Council Members as they currently sit, adding that where Council Members reside and how many represent a certain area should not be the deciding factors in choosing a final map. He requested Council reject Maps 117 and 118 and move the citizen-generated maps forward.

Tanya Pelligrini, staff attorney with the Mexican American Legal Defense and Education Fund (MALDEF), read its Blue Sheet letter that contends none of the maps presented to date have over 50 percent Latino voters and that failure to include a majority may expose Lodi to liability. She urged Council to adopt a map that contains at least one majority Latino voting district.

Arlene Farley stated that, after studying the maps, she supports Map 108 because it makes the most sense by not shredding neighborhoods or promoting gerrymandering. Her second choice is Map 105, adding that the maps from the consultants -- Maps 117 and 118 -- should be eliminated because it is a true example of gerrymandering, it gives three Council Members their own district, and district lines run north and south without regard to neighborhoods. She urged Council to select Map 108.

David Diskin expressed opposition to Maps 117 and 118 from the consultants, which place Council Members primarily in separate districts, support gerrymandering, and create disparity. He pointed out that Council would have to compete against one another if it selected Maps 105 or

108 and suggested Council work to create five fair districts that are not based on individual political aspirations. He stated that choosing Map 117 or 118 would be unfair and encouraged Council to not move those two maps forward and, instead, focus on the maps from citizens.

Tony Amador asked for clarification on the maps that were submitted at the workshop the night before and requested a copy of the letter from MALDEF. Further, he pointed out the City will need to revisit its districts after the 2020 Census and will be forced to make significant changes if it does not take future growth into consideration now. He encouraged Council to select a map that takes into account the new homes and growth that is occurring now and over the next several years.

Chris Gutierrez expressed disappointment at the low turn-out at the hearings and the public workshop, adding that he submitted a map at the workshop with one, single district because each Council Member represents the entire town. He stated that MALDEF should focus more on education and helping the Latino population learn to speak and read English and to better understand community issues because this effort only results in splitting neighborhoods and causing greater problems and animosity.

Mike Lusk stated that district elections will enable candidates to spend less on campaigns and walk door-to-door and will encourage more people to participate and get involved in their community. He suggested districts be drawn like spokes in a wheel or in the shape of a pie, which would cross over all economic and socioeconomic sectors, giving Latinos a louder voice than solely on the east side. He further asked for information on the cost to run for Council including all of the filing fees.

Spencer Rhodes expressed opposition to Maps 117 and 118 because they were drafted by the demographers who are outsiders of this community and they go against the guidelines passed in Council's resolution in 2017. He further stated it is evident that citizens do not mind if sitting Council Members run against each other because all of the citizen-generated maps place Council Member in same districts. Further, he suggested that future discussions may evolve into potential term limits for Council Members and encouraged Council to reject Maps 117 and 118 and to only consider maps submitted by the public.

Norm Mowery stated he has experience with district representation and encouraged everyone to make the most of this situation.

There being no further public comments, Mayor Nakanishi closed the public hearing.

Ms. Magdich stated Council can opt to carry forward all five maps to consider along with the set of maps for consideration at the special meeting on Tuesday, February 13, 2018.

Mr. Schwabauer added it would be simpler to move all five forward to give the public more available maps to adjust.

Mayor Pro Tempore Mounce stated that, if she had to choose now, she would put Map 105 forward.

Ms. Magdich confirmed that all five maps will move forward, which will give the public an opportunity to use as base maps for modifications. She encouraged maps be submitted as quickly as possible to allow ample time for the demographer to run the demographics and stats.

RECESS

At 9:24 p.m., Mayor Nakanishi called for a recess, and the City Council meeting reconvened at 9:33 p.m.

REQUEST TO RECONSIDER MAP ON ITEM G-2

Following recess, Mayor Pro Tempore Mounce stated she received a citizen request during the break to eliminate Map 117 from the Focus Maps moving forward in the process.

Mayor Pro Tempore Mounce made a motion, second by Council Member Kuehne, to retire Map 117 and eliminate it from moving forward in the process.

VOTE:

The above motion failed by the following vote:

Ayes: Council Member Kuehne, Mayor Pro Tempore Mounce

Noes: Council Member Chandler, Council Member Johnson, Mayor Nakanishi

Absent: None

Abstain: None

H. Communications – None

I. Regular Calendar

The following items on the Regular Calendar were discussed and acted upon out of order.

I-2 Consider Request from San Joaquin County Board of Supervisors that Lodi Fund a Portion of County Homeless Coordinator Position Beginning in Fiscal Year 2019-20 and Adopt County Supervisor's Homeless Priorities (CM)

City Manager Stephen Schwabauer provided information regarding a request from San Joaquin County Board of Supervisors that Lodi fund a portion of a County Homeless Coordinator position beginning in Fiscal Year 2019-20 and adopt the County Supervisors' homeless priorities. Specific topics of discussion included background on County's request; staff-level concerns and initial resistance to the concept; County's acknowledgement that it has a stake in the homelessness situation in the county; the County's efforts including the Ready to Work Program at the Honor Farm, \$21.2 million in grant funding, adoption of the housing first model, and low-cost recommendation for the City's participation in the coordinator position; and staff's recommendation to fund the program through Community Development Block Grant (CDBG) funds in 2019/20 and adopt the County Board of Supervisor's priority list with the following two provisions: 1) that the City have a representative on the Continuum of Care, which is overseeing the Homeless Coordinator position, and 2) that the housing first model comes with supported services.

Mayor Pro Tempore Mounce stated she would support the recommendation because of the hard work of Supervisors Miller and Winn and recommended that Council Member Kuehne sit on the Continuum of Care board and that, if he is unable to, she would be willing to assume the role.

In response to Mayor Pro Tempore Mounce, Mr. Schwabauer stated he would provide Council with a list of programs that are funded with CDBG administration dollars.

Mayor Nakanishi expressed the importance of collaborating with the County on homelessness issues and stated he would support the request, with which Council Member Chandler agreed.

Jon Mendelson, member of the County's Homeless Task Force and Executive Director of the Ready to Work Program, encouraged Council to support the recommendation, stating that only a collaborative process will provide tangible results. He was pleased Lodi was willing to take a more active role in the Continuum of Care and shared information regarding the background of the Continuum of Care, as well as how the money is being spent.

John Ledbetter with the Committee on Homelessness expressed support for the recommendation, stating there has been a solid foundation and great partnerships thus far, which should only grow and become stronger with this action.

San Joaquin County Supervisor Chuck Winn explained how the County's Task Force was created and the importance of bringing together service agencies, instead of focusing solely on the enforcement aspect, and the need for a coordinator to ensure there are no overlaps or gaps in the plan. He highlighted the various areas of focus including prevention/treatment solutions,

housing, medical care, conversion of the Honor Farm, and working together as a collective group to increase odds of obtaining funding. He encouraged Council support for the recommendation.

Council Member Johnson stated he would support the recommendation based on Mr. Ledbetter's backing, but he cautioned staff to keep an eye on the program because it could grow in cost and support down the line.

Council Member Chandler made a motion, second by Council Member Kuehne, to approve request from San Joaquin County Board of Supervisors that Lodi fund a portion of the County Homeless Coordinator position beginning in Fiscal Year 2019-20 and to adopt the County Supervisor's homeless priorities.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Noes: None

Absent: None

I-1 Introduce Ordinance Amending Lodi Municipal Code Title 12 – Streets, Sidewalks and Public Places – by Repealing and Replacing Chapter 12.04, “Encroachments” (PW)

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding amending Lodi Municipal Code Title 12, Chapter 12.04, "Encroachments." Specific topics of discussion included background, current enforcement, legal encroachments, violation examples, proposed enforcement, and other proposed changes.

Council Member Kuehne stated he supports the verbiage change in the proposed ordinance; however, he was opposed to the excessive fine amounts, which seem punitive in nature.

Mayor Pro Tempore Mounce stated the City should have a stronger ordinance and suggested the fine be split into two rate structures: one for residents, both with and without an encroachment permit, who do not follow the guidelines; and another for businesses, both with and without an encroachment permit, who do not follow the guidelines.

Council Member Johnson stated he understands the reason for increasing the fines; however, he too was hesitant about the significant jump from \$100 to \$1,000 and wanted greater justification for the extreme increase. He suggested tabling the matter to allow staff time to research the figures, i.e. how many permits issued in a year, how many are fined, and how much is generated from those violating the process.

Council Member Chandler suggested changing the ordinance to a fine "up to \$1,000" and giving the Public Works Director authority to determine how much a fine should be, based on a sliding scale and the amount of staff time generated in trying to correct an encroachment permit issue.

Council Member Kuehne expressed support for Council Member Chandler's suggestion, which would also allow staff to implement the suggestion of charging a business more than a homeowner for violating the ordinance.

Both the City Manager and City Attorney expressed concern with leaving the fine at the discretion of staff and, instead, suggested it be applied across the board to be equitable for everyone. City Manager Schwabauer suggested cutting the fines in half.

Mayor Pro Tempore Mounce made a motion, second by Mayor Nakanishi, to introduce the ordinance and cutting the residential fines in half and leaving the commercial fines as presented.

Council Member Kuehne stated he would only support the motion if all of the fines were cut in half.

Mayor Pro Tempore Mounce suggested cutting the first offense for both residential and commercial in half and leaving the rest as presented.

Mayor Pro Tempore Mounce amended her earlier motion, seconded this time by Council Member Chandler, to introduce Ordinance No. 1948 amending Lodi Municipal Code Title 12 - Streets, Sidewalks and Public Places - by repealing and replacing Chapter 12.04, "Encroachments," along with amendment to Section 12.04.430, "Violation-Penalty" to lower the first fines for those with a valid encroachment from \$1,000 to \$500 and those without a valid encroachment from \$2,500 to \$1,250, while leaving the remaining fines as presented by staff.

VOTE:

Ayes: Council Member Chandler, Council Member Johnson, Mayor Pro Tempore Mounce, Mayor Nakanishi

Noes: Council Member Kuehne

Absent: None

J. Ordinances – None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 10:53 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk